

2018 REDISTRICTING GUIDELINES
BY THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA

These guidelines are adopted to establish the criteria to be used to redistrict legislative body districts in the City of Carmel (the “City”) in compliance with Ind. Code § 36-4-6-3 (the “City Districting Statute” or “Statute”) and other applicable provisions of the Indiana Code. It is the intent of these guidelines and of the Common Council of the City (the “Council”) to promote free and open participation by the public in the redistricting process, to create district boundaries that enhance and facilitate effective representation of all citizens in the City, and to comply with all relevant statutory and constitutional requirements. The goal of the Council in this redistricting process is no less than the constitutional imperative described by the United States Supreme Court in the case of *Reynolds v. Sims* as “fair and effective representation of all citizens.”

I. REQUIREMENTS OF IND. CODE § 36-4-6-3

The redistricting of City Council districts last occurred in 2012, as codified by Ordinance D-2114-12, finally adopted on November 19, 2012. The description of the City’s current Council districts appears in § 3.3 of the Carmel City Code. The City Districting Statute establishes certain minimal criteria for the redistricting process. It is the intent of these Guidelines to fully comply with the criteria set forth in the City Districting Statute and other applicable state and federal laws. Compliance with statutory criteria is discussed more specifically in subsequent sections of these Guidelines.

Applicable portions of the City Districting Statute provide as follows:

- (a) This section applies only to second class cities.
- (b) The legislative body shall adopt an ordinance to divide the city into six (6) districts that:
 - (1) are composed of contiguous territory, except for territory that is not contiguous to any other part of the city;
 - (2) are reasonably compact;
 - (3) do not cross precinct boundary lines except as provided in subsection (c) or (d); and
 - (4) contain, as nearly as is possible, equal population.
- (c) The boundary of a city legislative body district may cross a precinct boundary line if:
 - (1) more than one (1) member of the legislative body elected from the districts established under subsection (b) resides in one (1) precinct established under IC 3-11-1.5 after the most recent municipal election; and
 - (2) following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from the districts resides within the same city legislative body district.
- (d) The boundary of a city legislative body district may cross a precinct line if the districts would not otherwise contain, as nearly as is possible, equal population.

(e) A city legislative body district with a boundary described by subsection (c) or (d) may not cross a census block boundary line:

- (1) except when following a precinct boundary line; or
- (2) unless the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

(f) The legislative body may not adopt an ordinance dividing the city into districts with boundaries described by subsection (c) or (d) unless the clerk of the city mails a written notice to the circuit court clerk. The notice must:

- (1) state that the legislative body is considering the adoption of an ordinance described by this subsection; and
- (2) be mailed not later than ten (10) days before the legislative body adopts the ordinance.

(g) Except as provided in subsection (l), the division under subsection (b) shall be made:

- (1) during the second year after a year in which a federal decennial census is conducted; and
- (2) when required to assign annexed territory to a district.

This division may be made at any other time, subject to IC 3-11-1.5-32.

(h) The legislative body is composed of six (6) members elected from the districts established under subsection (b) and three (3) at-large members.

(i) Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(j) If any territory in the city is not included in one (1) of the districts established under this section, the territory is included in the district that:

- (1) is contiguous to that territory; and
- (2) contains the least population of all districts contiguous to that territory.

(k) If any territory in the city is included in more than one (1) of the districts established under this section, the territory is included in the district that:

- (1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory.

(l) *[Inapplicable language omitted].*

(m) A copy of the ordinance establishing districts or a recertification adopted under this section must be filed with the circuit court clerk of the county that contains the greatest population of the city not later than thirty (30) days after the ordinance or recertification is adopted. The filing must include a map of the district boundaries:

- (1) adopted under subsection (b); or

(2) recertified under subsection (1).

(o) If a conflict exists between:

- (1) a map showing the boundaries of a district; and
 - (2) a description of the boundaries of that district set forth in the ordinance;
- the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent there is a conflict between the description and the map.

II. CRITERIA TO BE CONSIDERED WHEN DRAWING DISTRICT BOUNDARIES

A. Contiguous Territory

The City Districting Statute specifies that legislative body districts shall be “composed of contiguous territory, except for territory that is not contiguous to any other part of the city.” The Council interprets this requirement to mean that, among other things, a legislative body district cannot be made up of one or more areas that meet at the points of adjoining corners. The Council is committed to creating legislative body districts that consist only of contiguous territory.

B. Reasonably Compact

The City Districting Statute requires that districts must be “reasonably compact.” The Council recognizes that this requirement does not require districts to be as compact as possible. Moreover, the Council believes that the goal of compactness should generally defer to criteria more fundamental to obtaining effective and functional electoral districts including population equality, respect for precinct boundaries, respect for natural geography, building patterns and communities of interest. The compactness requirement would, however, override these other criteria in some instances as when the degree of compactness of the proposed district would be considered “unreasonable.” The Council is committed to creating legislative body districts that are reasonably compact.

C. Equal Population

The City Districting Statute requires that City legislative body districts “contain, as nearly as is possible, equal population.” This requirement includes both the selection of accurate data upon which to base the Council’s determination, and a determination regarding the minimum standards for population equality.

1. Use of Census Data

The Council recognizes that use of data from the 2010 Federal Decennial Census is now dated, but its use is mandated by the Indiana General Assembly under Ind. Code § 1-1-3.5-3(b) as updated by any Federal special census, special tabulation or corrected population count. A partial Federal special census meeting the foregoing criteria was conducted in portions of the City on August 25, 2016 (the “Special Census”). All of the foregoing data is readily available

and accessible by the public.¹ Consequently, the Council will use the 2010 Federal Decennial Census population data (adjusted for any post-census annexations) as updated by the Special Census to redistrict the City's legislative body districts.

2. Population Deviation

The City Districting Statute requires districts that “contain, as nearly as is possible, equal population.” The City interprets this phrase to mean that City legislative body districts must comply with the equal protection clause of the United States Constitution as that clause has been interpreted with respect to local government election districts. The modifying language clearly indicates, however, that, unlike federal Congressional districts, precise equality of population among districts is not specifically required by the Statute.

In order to comply with the City Districting Statute and the equal protection clause of the United States Constitution the Council will evaluate the population of each district of any redistricting plan considered by the Council for “deviation from the ideal district size” and will also evaluate any such redistricting plan for the “total deviation” of the plan. As used in these Guidelines the term “ideal district size” refers to the total population of the City (as determined by the 2010 Census as updated by the Special Census) divided by six (6). The term “deviation from the ideal district size” refers to the amount by which the population of any district is greater than or less than the ideal district size and is expressed as a percentage by dividing the difference between the actual and ideal district sizes by the ideal district size. The term “total deviation” refers to the sum that is derived by adding the deviation from the ideal district size of the smallest and largest population districts (expressed as a percentage).

The City recognizes that total population deviations of less than ten percent (10%) are considered prima facie constitutional for state legislative districts pursuant to Supreme Court precedent and that total population deviations in excess of ten percent (10%) may be justified if supported by reasonable state interests. Courts have generally applied similar standards to local government apportionment efforts.

Nevertheless, the Council has determined that a primary goal of the redistricting process should be the creation of districts with nearly equal population and that any significant deviation from this principle must be adequately justified and as narrow as possible to meet the stated reasons for the deviation. Any total deviation in excess of five percent (5%) shall be justified in writing with reference to one or more rational objective criteria including:

- a. contiguity;
- b. compactness;
- c. adherence to precinct boundary lines (except as allowed by the Statute);
- d. respect for and adherence to natural geography and building patterns including, but not limited to, rivers, streets, shopping areas, neighborhoods, etc.;
- e. communities of interests;
- f. other objective criteria.

¹ Census data is available on the website of the United States Census Bureau found at www.census.gov.

Written comments accompanying any redistricting plan submitted by a member of the public for consideration should reference any objective criteria relied upon to justify a total population deviation in excess of five percent (5%).

D. Precinct Boundary Lines

The City Districting Statute provides that districts may not cross precinct lines unless: (1) more than one member of the Council resides in a single precinct as described; or (2) the districts would not otherwise contain, as nearly as is possible, equal population. However, the Council recognizes that respect for precinct boundaries is essential to minimize voter confusion on election day, to reduce the cost of election administration, to help preserve communities of interest and to encourage voter understanding of the electoral process. The Council is committed to creating legislative body districts that respect precinct boundary lines provided that the goal of creating districts with nearly equal population is not unduly burdened thereby. Consequently, only in an extraordinary event will precinct boundary lines be disregarded, and in such even such division will be minimized to the extent reasonably practicable. Prior to the adoption of a final plan which includes districts crossing precinct lines, the Clerk-Treasurer shall give the notice required by subsection (f) of the City Redistricting Statute. The precinct boundary lines used to create City Council districts shall be those precinct boundary lines in use in Hamilton County as of July 1, 2018.

E. Dilution of Minority or Political Voting Strength

The Council recognizes the fundamental right of political participation by all citizens in the City. Consequently, no district shall be drawn to intentionally dilute or that has the effect of diluting the voting strength of any language or racial minority group. Any proposed redistricting plan demonstrated to have the intent or effect of dispersing or concentrating minority population in a manner that prevents minority communities from electing their candidates of choice shall not be acceptable.

In addition, no district shall be drawn for the purpose of discriminating against an identifiable political group in such a way that the group's electoral influence is consistently degraded.

F. Communities of Interest

The Council believes that an important function of electoral districts is to promote and enhance community cohesiveness and dialogue and to promote the recognition of unique interests that are held in common by recognizable groups of voters. Such interests may include social, cultural, or economic interests common to the population of the area. In the redistricting process the City will preserve communities of interest where possible so long as recognition of such interests does not conflict with the other statutory or constitutional redistricting criteria.

III. PUBLIC NOTICE AND PARTICIPATION IN THE DISTRICTING PROCESS

Believing that public participation is essential to a fair and effective redistricting plan, the Council adopts the following plan for public participation in the redistricting process.

A. All Redistricting Meetings to be Public

All redistricting meetings conducted by the full Council shall be held in public as required by Ind. Code § 5-14-1.5-1 et seq.

B. Public Notice Regarding Meetings At Which Redistricting Plans Are To Be Considered

The Council shall comply with the public notice requirements which are applicable to all Council Meetings.

C. Public Access to Redistricting Information and Submission of Proposed Plans.

The Council desires and welcomes full public participation in the redistricting process. In order to ensure public participation in the redistricting process the Council authorizes the following steps to be taken by the Redistricting Coordinator:

1. Publication of the notice set forth in Exhibit "1" in the Carmel Current, The Indianapolis Star, and the Court & Commercial Record no later than September 10, 2018. The Redistricting Coordinator is further authorized to publish notice in such other publications as deemed appropriate by the Redistricting Coordinator.
2. Provision of individual notice of any public redistricting meetings not described in these Guidelines and not listed on the notice published in compliance with the preceding paragraph to all members of the public who request such notice by filing a written request for notification with the office of the Clerk-Treasurer.
3. Provision of the notice set forth in Exhibit "1" via a news release distributed to all media that have requested notice pursuant to Ind. Code § 5-14-1.5-5.
4. Provision of City maps indicating precinct boundaries and summary population data at the precinct level to members of the public at no cost for the purpose of facilitating the creation and submission of alternative redistricting plans by members of the public.
5. Production of minutes of all public redistricting meetings by the City's Clerk-Treasurer to be made available for review after approval at the next Council meeting.

D. Individual Notice Regarding Districting Process

Individual notice regarding any aspect of the districting process shall be given without charge to any individual or organization that requests it. Such requests shall be filed in the Clerk-Treasurer's Office, Carmel City Hall, Third Floor, One Civic Square, Carmel, IN 46032. The Clerk Treasurer's Office is open from 8:00 am to 4:00 pm Monday through Friday. Additional notice shall be provided as described elsewhere in these Guidelines.

IV. SUBMISSION AND CONSIDERATION OF DISTRICTING PLANS

To meet the statutory requirements of the City Districting Statute and Ind. Code § 3-11-1.5-32, the Council must adopt on final passage an ordinance approving a districting plan no later than November 8, 2018.

A. Preparation of Draft Plan by Redistricting Coordinator

The Council has designated, by Resolution adopted contemporaneously with the adoption of these Guidelines, one of its members as the City's Redistricting Coordinator for the purpose of developing a draft plan (the "Draft Plan") that complies with the legal requirements for the creation of legislative body districts. The Redistricting Coordinator is further directed to ensure that the Draft Plan complies in all respects with the applicable portions of these Guidelines.

It is the responsibility of the City Redistricting Coordinator to prepare a Draft Plan that is made available to members of the public and members of the Council not later than Noon on October 5, 2018, the date designated for the submission of plans by the public. The Draft Plan shall thereafter be available for review in the office of the Clerk-Treasurer during normal business hours at the request of any member of the public prior to consideration of its final adoption.

B. Public Preparation and Submission of Redistricting Plans

The Council shall also receive redistricting plans submitted by any member of the public so long as any such plan is submitted in writing to the Clerk-Treasurer's office during regular business hours between the date of adoption of these Guidelines and prior to Noon on October 5, 2018.

Any plan offered by a member of the public must meet the following criteria in order to be considered:

1. It must have been submitted in writing to the City Redistricting Coordinator through the Clerk's office during regular business hours between the date of adoption of these Guidelines and Noon on October 5, 2018;
2. The precincts (or portions of partial precincts) contained in each proposed legislative body district shall be clearly written on the form provided (Note: the Guidelines direct that precinct boundaries be respected except in extraordinary circumstances);
3. The plan as submitted must stand as a complete City-wide plan for districting (i.e., all pieces of geography within the City must be accounted for in some district); and
4. The plan must comply completely in all respects with these Guidelines and with the instructions attached as Exhibit "2". Any total deviation in excess of 5% from population equality must be justified in writing with reference to the objective criteria set forth in these Guidelines.

A plan must meet the above requirements to be considered by the Council. As described in these Guidelines, each plan will be evaluated for:

1. compactness;
2. contiguity;
3. population deviation;
4. respect for precinct boundary lines;
5. compliance with the requirements prohibiting discrimination;
6. respect for communities of interest; and
7. other relevant criteria.

In order to assist in the evaluation of proposed plans each individual submitting a proposed districting plan is required to complete a statistical sheet and description in the form attached hereto as Exhibit “3” and list:

- a. the total population for each proposed district; and
- b. the population deviation from the ideal for each district.

A complete set of instructions and the statistical report for publicly submitted plans is set forth as Exhibit “2” and Exhibit “3” to these Guidelines and is specifically incorporated herein by reference.

C. Written Comments Regarding Redistricting Guidelines and Draft Plans

The Council will also receive public input in the form of written comments and objections by the public to any aspect of the districting process, including the adoption of the process or criteria set forth in these Guidelines and to any Draft Plan. Any member of the public desiring to submit written comments to the Council regarding the redistricting process set forth in these Guidelines should submit those comments in writing in the office of the Clerk-Treasurer during regular business hours between the date of adoption of these Guidelines and Noon on September 17, 2018. Written comments regarding the Draft Plan or any plan proposed by the public may be submitted until Noon on the date of the October 15, 2018 public hearing designated below.

D. Public Hearing Regarding Plan(s)

The Council shall hold a public hearing at the October 15, 2018 regular meeting of the Council (the “Public Hearing”), for the purpose of reviewing the Draft Plan and any public plans submitted to the Council and to take public testimony and comments regarding the Draft Plan and any plans proposed by the public. The Council shall make any necessary revisions or modifications to the plans under consideration prior to final adoption.

As the City Districting Statute requires the adoption of an ordinance to approve a districting plan, unless waived in accordance with Indiana law, the Council shall adopt an ordinance at two separate meetings of the Council at which a quorum is present. It is presently anticipated that the first reading of an ordinance to approve a districting plan will be adopted at the meeting at which the Public Hearing is held, and that the second and third reading on the

ordinance approving a districting plan will be held at a regular or special meeting of the Council thereafter. The second meeting is tentatively scheduled for November 5, 2018.² Additional meetings and revisions to any plan under consideration may occur at subsequent special or regular meetings at the Council's discretion. The final adoption of an ordinance approving a districting plan shall occur no later than November 8, 2018 in accordance with the City Districting Statute and Ind. Code § 3-11-1.5-32.

E. Additional Public Meetings

Should additional public meetings become necessary at any point in the redistricting process, such meetings will be held and any statutorily required notice shall be given. Notice of all redistricting meetings shall be posted in advance in the office of the Clerk-Treasurer or as otherwise customarily posted for Council meetings. Parties interested in the redistricting process who desire to be notified regarding any additional public meetings should leave their name, complete address, work and home phone numbers, and electronic mail address with the Clerk-Treasurer's office and every effort will be made to give such individuals notice of any additional public meetings that may be required.³ Notice to such individuals will be attempted by either regular mail, electronic mail, phone or face to face communication.

V. AMENDMENT OF REDISTRICTING GUIDELINES

Should it become necessary at any time to amend these Guidelines the Council may do so upon a vote of the majority of the members of the Council at any duly called meeting of the Council.

² The date of the second meeting will be determined by the Council and announced no later than the October 15, 2018 Public Hearing.

³ The term "additional public meetings" refers to meetings not set forth in these Guidelines or in the Notice attached as Exhibit "1".

EXHIBIT "1"

Notice Regarding Division of the Common Council of the City of Carmel, Indiana into Legislative Body Districts

Pursuant to Ind. Code § 36-4-6-3, the Common Council of the City of Carmel (the "City") is dividing the City's legislative body districts into six (6) single member districts on or before November 8, 2018 for the election of Council Members in 2019 and thereafter. In order to accomplish this division, the Council has adopted Redistricting Guidelines which are available upon request in the Clerk-Treasurer's Office, Carmel City Hall, Third Floor, One Civic Square, Carmel, IN 46032 from 8:00 am to 4:00 pm Monday through Friday. The division of the Common Council into legislative body districts will be accomplished pursuant to the following schedule:

September 17, 2018	Last Day for Members of the Public to Submit Objections or by Noon Written Comments Regarding the Redistricting Guidelines to the Office of Clerk-Treasurer.
October 5, 2018 by Noon	Deadline for Plans Submitted by the Public. Redistricting Coordinator Makes Draft of City Districting Plan Available for Examination by the Public at the Office of the Clerk-Treasurer.
October 15, 2018	Public Hearing for Purpose of Reviewing and Evaluating Draft of City Districting Plan and Plans Submitted by the Public, and Adopting on First Reading an Ordinance Preliminarily Approving a Plan. Written comments on any plan must be received by Clerk-Treasurer by Noon this day.
November 5, 2018 (tentative)	Public Meeting for Purpose of Making Revisions to Plan to be Adopted by Council and to Adopt an Ordinance Approving the Plan on Final Passage (actual meeting date announced at October 15 th hearing)
December 5, 2018	Filing of a Certified Copy of the Ordinance Establishing Districts with the Clerk of the Hamilton County Circuit Court no later than Thirty (30) Days After the Ordinance is Adopted Pursuant to Ind. Code § 36-4-6-3(m).

Each of the meetings set forth above will be held in the Council Meeting Room of the Carmel City Hall, Second Floor, One Civic Square, Carmel, IN 46032, and shall begin promptly at 6:00 p.m. The public's participation in the redistricting process is welcomed. All Council meetings are open to the public. The public is invited to submit proposed districting plans that comply with the Redistricting Guidelines adopted by the Council. A Public Plan Submission Kit (including census data) is available during normal business hours in the office of the City Clerk-Treasurer set forth above. In order to be considered by the Council, redistricting plans submitted by the public must comply with the Redistricting Guidelines and must be submitted to the Clerk-Treasurer by Noon on October 5, 2018.

EXHIBIT “2”

Instructions for Submitting District Plans for Carmel

The procedures for submitting district plans for the Common Council of the City of Carmel, Indiana is set forth in this Public Plan Submission Kit. For your plan to be accepted for consideration these procedures must be strictly followed.

This kit contains the following items supplied on written or digital media:

1. A map of the City showing current precinct boundaries in .pdf format.
2. A map of the existing City district plan boundaries in .pdf format.
3. A table of existing precincts and corresponding population statistics.
4. A copy of the 2018 Redistricting Guidelines for City Redistricting.
5. Summary forms for submission of district plans.

Plans must be submitted in writing (note instructions below concerning provided forms) to the City Clerk-Treasurer’s office during regular business hours no later than noon on October 5, 2018. Plans submitted after this time will not be considered by the Council.

Criteria for Submitted Plans

Plans must meet the following criteria in order to be considered by the Council. For more detailed discussion concerning these requirements refer to the “2018 Redistricting Guidelines by the Carmel City Council” document.

1. Districts must be composed of contiguous territory.
2. Districts must be reasonably compact.
3. Districts must be composed (as nearly as possible) of equal population based on 2010 Federal decennial census data as updated by the partial Federal special census conducted on August 25, 2016 for portions of the City.
4. Districts should conform to existing precinct boundary lines (except as allowed by the Guidelines).
5. Districts should not intentionally dilute the voting strength of any language or racial minority group.

Census Data

Census data is available on the website of the United States Census Bureau at www.census.gov. Please note that the census data contained on the enclosed materials may differ somewhat from the 2010 census data, as updated by the 2016 partial special census, due to recent annexations.

Submission of Plans

Plans submitted for review must be complete plans for the entire City which provide six districts meeting the above criteria. All geographic territory in the City must be included. Plans must be submitted to the office of the Clerk-Treasurer, Third Floor, One Civic Square, Carmel, IN 46032 no later than noon on October 5, 2018. Plans submitted should include the following items:

1. Detailed Description. The plan should be described by listing the precincts or portions of precincts (described by census block) assigned to each district. The plan may use the provided form to enter the district assignments, or precinct assignments may be entered on a spreadsheet by the submitter.
2. Summary Sheet. The summary sheet enclosed in the Public Plan Submission Kit must be completed, dated and signed by the submitter.

EXHIBIT "3"

Summary of City of Carmel Council Redistricting Plan

The attached plan is submitted for review and consideration by the Carmel Common Council.

Submitter Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Daytime Phone: _____ Evening Phone: _____

Electronic Mail Address: _____

Do you wish to present testimony to the Council regarding this plan? Testimony will be time limited.

_____ YES _____ NO

Note: Submitted Plans are the property of the City of Carmel and are part of the public record. They are not returnable.

Plan Summary

District	Ideal Population	Plan Population	Deviation
1			
2			
3			
4			
5			
6			

Note: Ideal Population for Districts is based on the 2010 Census of Population and Housing Bureau of Census, U.S. Department of Commerce as updated by the 2016 partial special census conducted in portions of the City. The population counts are contained in the table included in the Public Plan Submission Kit.

"Plan Population" is the total number of persons in each of the districts as proposed in the submitted plan. "Deviation" is the positive or negative number obtained by subtracting the Plan Population value from the Ideal Population Value.

Date Plan Submitted: _____, 2018

Signature of Submitter: _____

If plan is being submitted on behalf of an organization or entity other than the above Submitter, please identify the organization or entity below:

Name of Organization: _____

Address of Organization: _____

City/State/Zip: _____

Name/Phone	Contact:
_____	_____

Electronic Mail Address: _____

Note: Plans must be submitted no later than Noon on October 5, 2018, and meet the requirements contained in the 2018 Redistricting Guidelines adopted by the City to be considered by the Council.